



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Stephens Landscaping Professionals, LLC

Map 141, Lot 9

March 17, 2016

**Applicant: Stephens Landscaping Professionals, LLC
P.O. Box 510
Moultonborough, NH 03254**

Location: 63 Whittier Highway, Moultonborough, NH (Tax Map 141, Lot 9)

On March 16, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Stephens Landscaping Professionals, LLC (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article 5, Section 503, Paragraph C to allow a 16 sq. ft. marquee sign where a maximum 5 sq. ft. marquee sign is allowed on the parcel located in the Commercial Zone A.

Based on the application, testimony given at the hearing, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 63 Whittier Highway, Moultonborough, NH (Tax Map 141, Lot 9).
- 2) Second Venture, LLC is the owner of the lot of record.
- 3) The lot is located in Commercial Zone A zoning district.
- 4) The proposal is to allow a 16 sq. ft. marquee sign where a maximum 5 sq. ft. marquee sign is allowed.
- 5) John, Mark and Rob Stephens presented the application to the Board.
- 6) No members of the public spoke at the Public Hearing.
- 7) Granting the Variances would not be contrary to the public interest as the proposed larger changeable message sign (marquee) would ameliorate a potential safety issue when motorists are trying to read the smaller sign in a high volume, higher speed environment. The request would still be in line with the nature of the surrounding commercial area.

- 8) Granting the Variances would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood because it fits in with other message signs and as the proposed larger changeable message sign (marquee) would ameliorate a potential safety issue when motorists are trying to read the smaller sign in a high volume, higher speed environment. The request would still be in line with the nature of the surrounding commercial area.
- 9) By granting the Variances, substantial justice would be done because there is no public benefit to be gained by requiring the smaller sign in this case where the type of business (landscaping and sale of landscape materials that are seasonal dictates letting potential customers know what is available and when.
- 10) Granting the Variances would not diminish the value of surrounding properties as the proposed sign more than fits the aesthetic look of the area and would be new.
- 11) There is an unnecessary hardship because the use is a reasonable one because the proposed larger changeable message sign (marquee) would ameliorate a potential safety issue when motorists are trying to read the smaller sign in a high volume, higher speed environment. The request would still be in line with the nature of the surrounding commercial area and the type of business (landscaping and sale of landscape materials that are seasonal dictates letting potential customers know what is available and when coupled with the need to be able safely read the messages which change seasonally which reasonably require a larger marquee while maintaining the total area for both the main business sign portion and marquee.
- 12) On March 16, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Nolin, St. Peter, DeMeo, Onthank, Jenny) and none (0) opposed to grant the request for the variance to allow a 16 sq. ft. marquee sign where a maximum 5 sq. ft. marquee sign is allowed, with the following conditions: 1) That even if the main business sign is replaced in the future, the total area of both signs shall not exceed 41 sq. ft. area; 2) That the foregoing condition be included as a requirement in the sign permit, and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on April 20, 2016, approved this formal Notice of Decision language and authorized the Vice-Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of three (3) in favor (Nolin, St. Peter, Jenny), none (0) opposed, and two (2) abstentions (Stephens, Bickford).

The decision made to grant the variance on March 16, 2016, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Russell Nolin
Vice-Chairman, Zoning Board of Adjustment

Date 4/22/16